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13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO DIVISION  
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18 GEORGINA HENSON ) CASE NO.: 08-02375 JL  
19 vs. )  
20 MITSUI O.S.K. LINES, LTD, and DOES )  
21 1 through 20, inclusive, )  
22 Defendants. )  
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ADMISTRATIVE MOTION TO  
CONSIDER WHETHER CASE  
SHOULD BE RELATED  
PURSUANT TO CIVIL L.R. 7-11

**1. PRIOR ACTIONS**

A Longshoreman's complaint for Damages pursuant to the Longshore and  
Harbors Workers' Compensation Act, 33 U.S.C § 901 et seq., on behalf of the  
plaintiff, GEORGINA HENSON, was filed in the California Superior Court, County  
of Alameda, Case No. RG 08376724, against Defendant MITSUI O.S.K. LINES,  
LTD, et al. on March 14, 2008.

1 On May 8, 2008, A Notice of Removal of Action under 28 U.S.C. § 1441 (b)  
2 (Diversity) was filed by defendant MITSUI OS.K. LINES, LTD., incorporated in  
3 Japan, with a principal place of business in Tokyo, Japan. The action was transferred  
4 to the Northern District.

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6 On or about May 13, 2008, counsel for MITSUI O.S.K. LINES, LTD filed an  
7 Answer with Magistrate Judge James Larson, who had been assigned the case.  
8 Defendants' answer, *inter alia*, alleged as a Third Affirmative Defense that the MOL  
9 EXPLORER, the vessel upon which plaintiff was injured, was owned by Camellia  
10 Carriers which had time chartered the vessel to MITSUI O.S.K. LINES, LTD., for a  
11 period of fifteen years. Under Maritime law, the vessel owner, Carrellia Carriers  
12 retained control over management and navigation of the vessel, and absent an  
13 agreement to the contrary, the time charterer assumes no liability for negligence.  
14 Based upon these facts, plaintiff and defendant filed a Notice of Voluntary Dismissal  
15 with the District Court on or about July 21, 2008.

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17 **2. FILING OF RELATED ACTION, LOCAL RULE 3-12; 7-11.**

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19 On August 6<sup>th</sup>, 2008, an action was again filed in the matter of GEORGINA  
20 HENSON v. CAMELLIA CARRIERS CV 08 3757, JCS, and the case was assigned  
21 to Magistrate Judge Joseph C. Spero. This action is related to substantially the same  
22 transaction or event and therefore plaintiff is required to file an Administrative  
23 Motion to Consider Whether Cases Should be Related and either assigned to  
24 Magistrate Judges Larson or Spero pursuant to Civil L.R. 7-11. The only known  
25 party to be served with this Administrative Motion is the Defendant Camellia  
26 Carriers.

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1 DATED: August 13, 2008  
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BANNING MICKLOW & BULL LLP

3 By Eugene A. Brodsky  
4 Edward M. Bull III  
5 Eugene A. Brodsky

6 Attorneys for Plaintiff  
7 Georgina Henson

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**DECLARATION OF SERVICE**

1 CASE NAME: *Henson v. Mitsui O.S.K. Lines, LTD.*  
2 CASE NO.: C08-2375 JL

3 I, the undersigned, am a citizen of the United States, over 18 years of age, and  
4 not a party to the within entitled action; I am employed at and my business address is,  
5 One Market, Steuart Tower, Suite 1440, San Francisco, California. On this date I served  
6 the following document(s):

7

8 **ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASE SHOULD BE RELATED  
PURSUANT TO CIVIL L.R. 7-11**

9 on the parties stated below, through their attorneys of record, by placing true copies  
10 thereof in sealed envelopes addressed as shown below by the following means of service:

11

12

13 **EMARD DANOFF PORT TAMULSKI & PAETZOLD LLP**  
14 **Andrew I. Port**  
15 **Katharine Essick Snavely**  
16 **49 Stevenson Street, Suite 400**  
17 **San Francisco, CA 94105**  
18 **Attorneys for Defendant MITSUI O.S. K. LINES, LTD**

19

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21 **X : By First Class Mail** - I caused each such envelope, with first-class postage thereon  
22 fully prepaid, to be deposited in a recognized place of deposit of the U.S. mail in San  
23 Francisco, California, for collection to the office of the addressee following ordinary  
24 business practices.

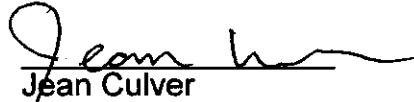
25

26 **: By Personal Service** - I personally caused delivery of each such envelope to the  
27 office of the addressee.

28 **: By Overnight Courier** - I caused each such envelope to be given to an overnight mail  
29 service at San Francisco, California, to be hand delivered to the office of the addressee on  
30 the next business day.

31 **: Facsimile** - (Only where permitted. Must consult CCP §1012.5 and California Rules  
32 of Court 2001-2011. Also consult FRCP Rule 5(e). Not currently authorized in N.D. CA)

33 I declare under penalty of perjury that the foregoing is true and correct. Executed  
34 on August 14, 2008, at San Francisco, California.

35   
36 Jean Culver

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